



General Assembly

January Session, 2013

Amendment

LCO No. 8245

HB0647708245HD0

Offered by:

REP. FOX, 146th Dist.

REP. ALBIS, 99th Dist.

REP. BUCK-TAYLOR, 67th Dist.

To: House Bill No. 6477

File No. 219

Cal. No. 162

"AN ACT CONCERNING THE STATUTORY LIEN FOR ASSESSMENTS ON A CONDOMINIUM UNIT."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 20-456 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2013*):

6 (a) The commission may revoke, suspend or refuse to issue or renew
7 any certificate of registration as a community association manager or
8 place a registrant on probation or issue a letter of reprimand for: (1)
9 Making any material misrepresentation; (2) making any false promise
10 of a character likely to influence, persuade or induce; (3) failing, within
11 a reasonable time, to account for or remit any moneys coming into his
12 possession which belong to others; (4) conviction in a court of
13 competent jurisdiction of this or any other state of forgery,

14 embezzlement, obtaining money under false pretenses, larceny,
15 extortion, conspiracy to defraud, or other like offense or offenses,
16 provided suspension or revocation under this subdivision shall be
17 subject to the provisions of section 46a-80; (5) commingling funds of
18 others in an escrow or trustee account; (6) commingling funds of
19 different associations; (7) any act or conduct which constitutes
20 dishonest, fraudulent or improper dealings; [or] (8) a knowing and
21 material violation of any provision of chapter 825 or 828; or (9) a
22 violation of any provision of sections 20-450 to 20-462, inclusive,
23 including, but not limited to, failure to comply with the educational
24 requirements prescribed in section 20-453, or any regulation adopted
25 under section 20-461.

26 Sec. 2. Subdivision (5) of subsection (b) of section 47-250 of the
27 general statutes is repealed and the following is substituted in lieu
28 thereof (*Effective October 1, 2013*):

29 (5) Unless the meeting is included in a schedule given to the unit
30 owners or the meeting is called to deal with an emergency, the
31 secretary or other officer specified in the bylaws shall give notice of
32 each executive board meeting to each board member and to the unit
33 owners. The notice shall be given at least five days before the meeting
34 and shall state the time, date, place and agenda of the meeting, except
35 that notice of a meeting called to adopt, amend or repeal a rule shall be
36 given in accordance with subsection (a) of section 47-261b. If notice of
37 the meeting is included in a schedule given to the unit owners, the
38 secretary or other officer specified in the bylaws shall make available
39 an agenda for such meeting to each board member and to the unit
40 owners not later than forty-eight hours prior to the meeting.

41 Sec. 3. Subsection (c) of section 47-252 of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2013*):

44 (c) Except as otherwise provided in the declaration or bylaws, the
45 following requirements apply with respect to proxy voting:

46 (1) Votes allocated to a unit may be cast pursuant to a directed or
47 undirected proxy duly executed by a unit owner;

48 (2) The association may provide a proxy form to any unit owner
49 who seeks to vote pursuant to a directed or undirected proxy. If the
50 association provides a proxy form, the proxy form, (A) shall include a
51 blank space reserved for the insertion of the name of the proxy holder,
52 and (B) may include the name of a person designated by the
53 association to be the default proxy holder, who shall be authorized to
54 exercise the proxy in the event the unit owner fails to otherwise specify
55 the name of the proxy holder subject to the limitations set forth in this
56 subsection;

57 [(2)] (3) If a unit is owned by more than one person, each owner of
58 the unit may vote or register protest to the casting of votes by the other
59 owners of the unit through a duly executed proxy;

60 [(3)] (4) A unit owner may revoke a proxy given pursuant to this
61 section only by actual notice of revocation to the person presiding over
62 a meeting of the association;

63 [(4)] (5) A proxy is void if it is not dated or purports to be revocable
64 without notice;

65 [(5)] (6) A proxy terminates one year after its date, unless it specifies
66 a shorter term; and

67 [(6)] (7) A person may not cast votes representing more than fifteen
68 per cent of the votes in the association pursuant to undirected proxies.

69 Sec. 4. Subdivision (1) of subsection (a) of section 47-260 of the
70 general statutes is repealed and the following is substituted in lieu
71 thereof (*Effective October 1, 2013*):

72 (1) Detailed records of receipts and expenditures affecting the
73 operation and administration of the association and other appropriate
74 accounting records, including, but not limited to, records relating to

75 reserve accounts, if any;

76 Sec. 5. Section 47-253 of the general statutes is amended by adding
77 subsection (e) as follows (*Effective October 1, 2013*):

78 (NEW) (e) No member of the executive board or officer of the
79 association shall be subject to criminal liability for an alleged violation
80 of the Fire Safety Code, the State Building Code or a municipal health,
81 housing or safety code when, pursuant to subsection (b) of section 47-
82 261e, the executive board of an association proposes a special
83 assessment to cover the cost of the repairs necessary to ensure
84 compliance with the terms of such codes and the special assessment is
85 rejected by a vote of the unit owners.

86 Sec. 6. (NEW) (*Effective October 1, 2013*) No member of a board of
87 directors, as defined in section 47-68a of the general statutes, or officer,
88 as defined in section 47-68a of the general statutes, shall be subject to
89 criminal liability for an alleged violation of the Fire Safety Code, the
90 State Building Code or a municipal health, housing or safety code
91 when the board of directors of an association proposes a special
92 assessment to cover the cost of the repairs necessary to ensure
93 compliance with the terms of such codes and the special assessment is
94 rejected by a vote of the unit owners."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	20-456(a)
Sec. 2	<i>October 1, 2013</i>	47-250(b)(5)
Sec. 3	<i>October 1, 2013</i>	47-252(c)
Sec. 4	<i>October 1, 2013</i>	47-260(a)(1)
Sec. 5	<i>October 1, 2013</i>	47-253
Sec. 6	<i>October 1, 2013</i>	New section